

29. (New)

A method according to claim 28 wherein the globulin concentrate is administered to young pigs that have not yet begun to consume feed.

30. (New)

A method according to claim 29 wherein the globulin concentrate is administered to pigs post weaning.

31. (New)

A method according to claim 10 wherein the globulin concentrate is administered to the animal by placing it in the animal's water system via a stock solution and a liquid dispenser.

REMARKS

In response to the Examiner's restriction requirement, Applicant hereby elects to prosecute Group II claims 10-14, drawn to a method of improving weight gain and growth by administering immunoglobulins. This election is made with traverse.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent, or distinct as claimed; and

(B) There must be a serious burden on the examiner if restriction is required.

MPEP § 803 (emphasis supplied).

Section 803 further states that the examiner may make a prima facie showing of a "serious burden" by appropriate explanation either separate classification, separate status in the art, or a different field of search.

In this application, identified inventions of Groups I and III have the same classification and, thus, no burden exists on the simultaneous examination of the identified groups. While the Examiner argues that the product of Group I can be purified using a method different from that disclosed in Group III, there has been no showing by the Examiner that different antibody purification methods would involve different fields of search or would have separate statuses in the art.

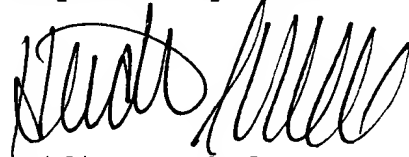
With respect to Groups I and II, Applicant's invention relates an immunoglobulin product for use post-weaning to improve weight gain and growth. The process claims require the use of a water soluble globulin concentrate to achieve these goals. Thus, the inventions are not independent since the product can be used to practice the claimed process. MPEP § 806.04. Thus, there is no burden to the full examination of the product claims of Group I and the process claims of Group II.

Further, it is submitted that a burden to the Applicant would exist if such a restriction requirement would be upheld. Because the inventions of Groups I-III are all related, the requirement for restriction would unjustly delay the prosecution of the application.

For these reasons, Applicants respectfully traverse the requirement for restriction. Reconsideration is respectfully requested.

No additional fee is believed to be due. If charges are incurred, please charge Deposit Account 26-0084.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Heidi S. Nebel', written over a horizontal line.

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